1951 **K** **File No.** O. Toda Gras 51

Legal Dept.

A BRANCH

Subject:— Opinions under the Toda Gras Allowances Act 1887.

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C O N T E N T S .

Legal Department File No. C.Toda Giras/51.

Sr. No.	R.I./S.No.	Subject.	Pages.
		Toda Giras Allowances Act, 1887.	
1.	7468 11/5/51.	Section 3. Whether it would be correct to continue the allowance to the widow of the last holder of the Toda Giras Allowance.	1-6.
2.	10508 29/5/51.	G.R.R.D.No. 1901/49 dt. 10-5-51 --Giras Cash Allowance, Surat. --Bai Manher Kuvarben.--	7-12 (not copies)
3.	8081-A 23/4/51. 8640 1/6/51.	Giras allowance - continuance of -- Whether mother can have legal claim to ---	13-16.

EPS.2/7/56

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Section 3 of the Toda Giras Allowances Act, 1887, provides: "Every Toda Giras allowance is continuable hereditarily to the lineal male heirs in the male descent of the first recipient thereof under British rule." The proviso to that section provides that on failure of such heirs the allowance or some portion thereof shall, whenever the Provincial Government has already so directed, or shall hereafter so direct, be continuable hereditarily to the lineal male heir in male descent of the brother of the first recipient of such allowance under British rule. It is clear from these provisions that if there is a lineal male heir in male descent of the first recipeint of the Toda Giras allowance under British rule it shall have to be continued hereditarily; whereas if there is no such heir in male descent of the brother of the first recipeint of such allowance under British rule. The standing orders in respect of the continuance of the Toda Giras allowance on the extinction of the male line of the original Girasisas are contained in Government Resolution No.4059 dated 16th July 1873, which lays down that when Girasias die without heirs-male-, as a matter of grace their widows will receive the whole allowance for their life time. These orders were followed by Government in G.R.R.D. No.7381 dated 6th November 1888. These orders have no application in the present case, since the male line of the original Girasias in male descent has not become extinct. In G.R. R.D. No. 9968 dated 1st October 1908, which has been relied upon by R.D., Government directed that the allowance of Rs.2399/- should be paid to Man Kuvarba, widow of the last recipient, for life or until remarriage and on her death or remarriage, effect should be given to the Collector's order that the

allowance.....

allowance should be amalgamated with the original Hakka.

2. The facts of that case were : The Toda Giras allowance of Rs.7,197/- stood in the names of three persons viz. Chandrasangji Rajaingji (hereditary), Takhtasangji Khushalsangji (for life), and Ramsangji Gambhirsingji (for life). On the demise of Takhtasangji his name was removed, but on application from Dnyankunvarba -widow of Takhtasangji- then Collecotr ordered that a separate payment of Rs.2399 should be made to her. The payment was accordingly continued till 1885, when the Commissioner ordered the share of Durjansingji Takhtasangji to be registered as a separate cash allowance on hereditary tenure and was continued on the same tenure in the name of his successor Dolatsangji Durjansignji by the Order of the commissioner. On the death of Dolatsangji the payment was stopped. Bai Manharkuvarba - widow of Dolatsangji - requested Government for payment of one third share belonging to Dolatsangji. Admittedly Dolatsangji Durjansangji, the recipient of allowance of Rs.2399/ - died without any male issue, leaving two widows and a grandmother and one of the widows had since died. The R.L.A. who was consulted in this case, opined: "Assuming that this share is to be treated as a separate allowance of which Kjushalsingji was not the first recipient under British rule, and that though Takhatasangji received it during his life time, he must be treated as such first recipient even though it was not separately registered in his name. In that case the widow Manhar Kuvarba would, under the orders in Government Resolution No.7381 dated 6th November 1888, be entilted to receive the allowance for her life time, and on her death effect could be given to the Collector's order under the proviso to section 3 of the Act." On the basis of this opinion the aforesaid orders of Government in G.R. of 1908 were passed. It is

apparent .....

apparent from the facts stated in that case that although there was no leneal male heirs of Khushalsingji in male descent of the first recipient under British rule the orders were passed under the proviso to section 3 of the Toda Giras Allowances Act, 1887, to the effect that Government would recognised the heirs in male descent of Chandrasangji the brother of the first recipient of the allowance, only after the death or the remarriage of the widow of Dolatsangji. In the light of those facts the continuance of the Toda Giras allowance to Man — Kuvarba during her life time or until her remarriage was clearly competent, for, it was open to Government to postpone the succession of the heirs of Chandrasingji under the proviso to section 3. Consequently that case appears to be distinguishable from the present case in which there is admittedly a lineal male heir in male descent of the first recipient, Consequently, section 3 will apply and the succession of such heir cannot be postponed. It would not, therefore, be correct to continue the allownce to the widow of the last holder of the Toda Giras allowance in the present case. The view taken by R.D. does not therefore, appear to be correct.

Id/- .....
11/5

Additional Secretary to Government.

U.R. to R.D.No.7468,

dated the 11th May 1951.

JPE.30/6/56.
4 copies.

L.B.R.I.No. 8081-A dt. 23-4-51.

Submitted.

It appears that Sombava was the last male person in receipt of the Girasdar cash allowance of Rs. 11 and on his death in 1923, the said allowance was continued to this widow Bai Sondar for her lifetime under Commr., N.D.'s order No. C.A.L. 2583, dated the 8th June 1923 Bai Sundar has expired on 8th September 1945 and her mother-in-law, Bai Devaba has requested that her name should be entered in the Govt. records in place of the deceased.

2. The Collr. of Surat is in favour of the grant of the allowance to Bai Devaba, the mother-in-law of Bai Sondhar, and has requested for sanction of Govt. in view of the orders contained in G.R. No. 2917,dated the 10th May 1900. The Commr., N.D. has recommended the Collr's proposal but the R.d. has referred the papers to R.L.A. for advice before accepting the Collr's propesal (pp. 27-27 ante).

Legal Department.

Giras allowance.
Continuance of ...

Toda Giras Allowances Act, 1887.

Although strictly speaking the mother has no legal claim to the continuance of the allowance, Government can, as an act of grace, continue the allowance to her for her life time.

Id/- ...

Additional Secretary to Government.

U.R. to R.D., No. 8640,

dated the 1st June 1951.

JPE.1/7/56.
4 copies.